

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BUDGET AND ADMINISTRATION COMMITTEE

JOE SERNA JR., CAL EPA BUILDING  
COASTAL HEARING ROOM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

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9:04 A.M.

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Certified Shorthand Reporter  
License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

COMMITTEE MEMBERS PRESENT:

JOSE MEDINA, Chair  
LINDA MOULTON-PATTERSON  
MICHAEL PAPARIAN

STAFF PRESENT:

MARK LEARY, Executive Director  
KATHRYN TOBIAS, Chief Legal Counsel  
MARIE CARTER, Legal Counsel  
DEBORAH MCKEE, Board Assistant  
JENNINE HARRIS, Committee Secretary

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

## I N D E X

## PAGE

Roll Call	1
Deputy Director's Report	2
Agenda Item B	4
Motion	14
Agenda Item C	16
Agenda Item E	47
Agenda Item G	63
Motion	64
Agenda Item H	65
Motion	65
Agenda Item I	66
Motion	66
Agenda Item J	69
Motion	71
Agenda Item K	67
Motion	69
Closing Remarks	73
Certificate of Certified Shorthand Reporter	74

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## P R O C E E D I N G S

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COMMITTEE CHAIR MEDINA: Good morning. Today is Wednesday, August the 14th, and this is a meeting of the Budget and Administration Committee.

I'd like to introduce my Board members. To my right Board Member Paparian, to my left Board member Linda Moulton-Patterson.

And if we could have the roll, please?

COMMITTEE SECRETARY HARRIS: Paparian.

BOARD MEMBER PAPARIAN: Here.

COMMITTEE SECRETARY HARRIS:  
Moulton-Patterson.

COMMITTEE MEMBER MOULTON-PATTERSON: Here.

COMMITTEE SECRETARY HARRIS: Medina.

COMMITTEE CHAIR MEDINA: Here.

And if you would turn off all pagers and cell phones, please. I just turned mine off so we're off to a good start.

With that, we'll start off with the Deputy Director's report.

MS. JORDAN: Yes. Good morning, Terry Jordan with the Administration and Finance Division.

I'd like to start off with kind of going over the agenda. We have five program items which entail G

1 through K.

2 We have one policy item which is the first item  
3 up after my report, and that is item B.

4 And then we have two items, two presentations  
5 from the Administration and Finance Division which are C  
6 and E. The presentations are intended for committee  
7 only and hopefully won't take too long, but I think  
8 they'll be enlightening.

9 I'm going to give a very quick, short, short  
10 and quick budget update as there isn't much to report  
11 because the state still doesn't have a fiscal budget  
12 approved. In the meantime, work continues but services  
13 are limited to only the most essential operations.

14 We have not been paying the vendors, and  
15 they're going a little bit impatient, but they've been  
16 understanding. It's especially hard on small  
17 businesses. And hopefully the budget will be passed  
18 soon.

19 COMMITTEE MEMBER MOULTON-PATTERSON: We all  
20 agree, we hope it will too.

21 MS. JORDAN: As you may recall, in regards to  
22 the states contracts process, as you may recall, the  
23 Governor issued Executive Order D5502 on May 20th that  
24 established a task force on contracting and procurement  
25 review.

1           The members assigned to the task force included  
2 Cliff Allenby, director of the Department of  
3 Developmental Services; David Jansen, Chief  
4 Administrative Officer for the County of L.A.; and  
5 Annette Perini, Chief Deputy Director for the Department  
6 of Finance, and who was appointed as the chairperson of  
7 the task force.

8           The primary objective for the task force was to  
9 research, investigate, and report in 90 days findings  
10 and recommendations for proposed improvements to the  
11 state's contracting processes.

12           We are anxiously awaiting the expected release  
13 of a ninety day report, and hopefully it will be out  
14 next week. As soon as it's released we will provide the  
15 members and executive staff with a copy.

16           Short, I'm finished.

17           COMMITTEE CHAIR MEDINA: Thank you very much  
18 for a complete and concise report.

19           And with that we'll move on to the next item  
20 which is item B.

21           MS. PACKARD: Thank you, Mr. Medina. Rubia  
22 Packard with the Policy Office.

23           I'm here to present what will be agenda item 23  
24 in the Board's agenda next week, consideration of grant  
25 eligibility and qualifying requirements for permits and

1 other specialized licenses.

2           As you may remember, the Board took this item  
3 up in June and gave us some direction regarding a permit  
4 checklist to use and the applicability of the  
5 requirement and use of a certification and under penalty  
6 of perjury.

7           And so what we've done is come back to address  
8 the areas that the Board had given us direction on,  
9 particularly the permit checklist.

10           At its June, 2002 Board meeting, the Board  
11 determined that all grant applicants should be required  
12 to certify, under penalty of perjury, that all necessary  
13 permits and licenses had been obtained, or that the  
14 grant applicant is in the process of obtaining them.

15           In order to facilitate identifying the critical  
16 components of concern to the Board, the staff were  
17 directed to prepare a checklist of permits to be used by  
18 grant applicants as part of the certification of  
19 compliance.

20           This agenda item presents options to the Board  
21 to determine which type of checklist will be used by  
22 grant applicants, and to determine the applicability of  
23 the checklist requirement.

24           During the application process, right now the  
25 grant application is -- the grant applicant, excuse me,

1 is required to certify that information provided in the  
2 application is true and correct. However, not all grant  
3 applications specifically reference permits and license.

4           So to en -- in order to ensure that all  
5 applicants are immediately ready and able to perform the  
6 grant, and to help eliminate the possibility that a  
7 grantee might not be able to obtain the necessary  
8 permits and licenses, staff had proposed that applicants  
9 should be required to sign a certification that all  
10 required permits and licenses either have been or will  
11 be obtained, and this is direction that the Board gave  
12 us at the June Board meeting.

13           If permits and licenses have not been obtained,  
14 the applicant will be required to describe what is being  
15 done to obtain them.

16           In order to ensure that the applicant fully  
17 understands the scope and intent of the certification,  
18 staff proposed that the applicant be required to  
19 completed a checklist detailing the critical permits and  
20 licenses required for the project, using the checklist  
21 included in this item as attachment one.

22           And if you take a look at attachment one, we  
23 did take the permit checklist that you looked at in June  
24 and we streamlined it a bit. We went through it and  
25 made sure that these were the critical permits that

1 staff, program staff felt needed to be addressed.

2 We also addressed some of the problems with the  
3 language at the top. Mr. Eaton had pointed out that it  
4 didn't quite make sense, so we fixed the top where the  
5 checklist, or the checks go, and then we also made the  
6 certification language a little clearer.

7 And we added, one of the Board members, I can't  
8 remember, it might have been Mr. Eaton, requested that  
9 we add language at the bottom making it a little bit  
10 clearer what the consequences of signing a false  
11 certification were. So we've added that language at the  
12 bottom of the checklist.

13 So this is the new checklist that we're  
14 proposing to use.

15 Additionally, as a condition of the grant  
16 award, staff propose that the grantee be required to  
17 update this checklist that was submitted in the  
18 application phase, and to sign a new certification prior  
19 to payment of grant funds.

20 The other area that was discussed at the  
21 previous Board meeting was using the grant, the permit  
22 license checklist that we're proposing as part of  
23 oversight of the project, so the project manager will be  
24 using it to follow up and make sure that the grantee is  
25 either, has permits or is obtaining permits.

1           And then finally, according to Board direction,  
2 all grants will be subject to Board and Department of  
3 Finance audits where a component will be added that will  
4 examine grantee files to verify permits and licenses  
5 utilizing the checklist of the critical ones that we're  
6 concerned about. And again, this is consistent with a  
7 direction that the Board gave us.

8           So that's the first part of this agenda item is  
9 the checklist and certification.

10           The second part is, and we wanted to revisit  
11 this a little bit because the, I even went back and took  
12 a look at the transcript from the meeting, and it was a  
13 little unclear how the Board felt about applicability of  
14 the, of the permit license checklist requirement.

15           So we just went back through, and just to make  
16 sure that we know exactly what you want to do, and also  
17 the staff are proposing that it might be, that it might  
18 not necessarily be required of everyone, so we've added  
19 this component.

20           We considered three options, requiring all  
21 applicants, that's private, non-profit, and governmental  
22 entities, to complete and submit the checklist in  
23 attachment one as part of the application and award  
24 process.

25           The second option was requiring only private

1 and non-profit entities to complete and submit the  
2 checklists, that is governmental entities would not be  
3 required to complete it.

4           And number three would be to require all  
5 applicants to complete and submit the checklist. And  
6 then I have a provision where staff could take a look at  
7 the grant itself if it's the type of grant where the,  
8 any particular applicant, it wouldn't necessarily be  
9 applicable to them, that we could present to the Board a  
10 rationale for not requiring it for that particular type  
11 of applicant, and then the Board could prove that at the  
12 time of approval of the other eligibility requirements  
13 that the Board approves before we put out the grant  
14 funding.

15           So we examined those three options. And an  
16 example of that, just to make it clear. An example of  
17 that is the entitlement grant programs. They're based  
18 on population, so for those the staff might come in and  
19 say, you know, we don't really have a choice here so we  
20 really don't need them to do this, because we're not  
21 going to not give them the money based upon the  
22 checklist. So that would be an example of where staff  
23 could come in and propose that we eliminate that  
24 requirement for that grant only.

25           So, the options for the Board. Part one for

1 the checklist certification is to approve the permit  
2 license checklist and certification language in  
3 attachment one for use as part of all grant applications  
4 and grant agreements.

5 Option two is to approve only the certification  
6 language from attachment one, and require all grant  
7 applicants to generate a list of critical permits and  
8 licenses themselves as part of all grant applications  
9 and agreements.

10 Option three is to approve only the  
11 certification language from attachment one, and to  
12 require Board staff to generate a checklist that is  
13 specific to each grant program at the start of each  
14 grant solicitation.

15 The fourth option is to approve only the  
16 certification language from attachment one from all, for  
17 all grant applicants, and not require the use of a  
18 checklist.

19 For this part one of the action today, staff is  
20 recommending option one, approve the permit checklist --  
21 excuse me, permit license checklist and certification  
22 language in attachment one for use as part of all grant  
23 applications and grant agreements.

24 For part two, applicability of this  
25 requirements, options are to require all grant

1 applicants, private entities, non-profit organizations,  
2 and governmental entities to submit the permit license  
3 checklist as part of the application and grant  
4 agreement.

5           Option two is to require only private entities  
6 and non-profit organizations to submit the permit  
7 license checklist as part of the application and grant  
8 agreement.

9           And option three is to require all grant  
10 applicants, private entities, non-profit organizations,  
11 and governmental agencies to submit the permit license  
12 checklist as part of the application process and as part  
13 of the grant agreement, unless staff request an  
14 exception to the checklist requirement at the time of  
15 Board consideration of the eligibility requirements and  
16 scoring criteria, and the Board determines that the  
17 checklist is not necessary for that particular grant.

18           And for this part two, staff recommend option  
19 three, the one that I just read which is to require all  
20 grant applicants to submit the checklist unless staff  
21 request an exception and the Board agrees that it's not  
22 necessary.

23           That concludes my presentation. I'd be happy  
24 to answer any questions.

25           BOARD CHAIR MOULTON-PATTERSON: Okay. Again,

1 thank you for a complete and concise presentation.

2 Board members, any questions?

3 COMMITTEE MEMBER PAPARIAN: A couple.

4 COMMITTEE CHAIR MEDINA: Yeah, Board Member  
5 Paparian.

6 COMMITTEE MEMBER PAPARIAN: Yeah, thank you,  
7 Mr. Chair.

8 This looks, this looks a whole lot easier to  
9 deal with than what we had before, you did a lot of  
10 really good work on this.

11 I just wanted to clarify a couple of things on  
12 the checklist. The filings with the Secretary of State  
13 from a corporate company or partnership, what, what are  
14 those? What would be, what would, what would, what are  
15 they -- what do they file with the Secretary of State  
16 that we would want them to check off the box for?

17 CHIEF LEGAL COUNSEL TOBIAS: Businesses have to  
18 file articles of incorporation that basically show who  
19 their officers are. Is that what you're asking?

20 COMMITTEE MEMBER PAPARIAN: Yeah. If the  
21 business is headquartered in another state, do they  
22 still have to file that with our Secretary of State?

23 CHIEF LEGAL COUNSEL TOBIAS: We're now  
24 approaching the extent of my corporation knowledge.

25 Do you know, Marie?

1 COMMITTEE MEMBER PAPARIAN: This is actually,  
2 it is a real issue. I know at least one of the tire  
3 companies, I think several of the tire companies are  
4 headquartered out of California.

5 LEGAL COUNSEL CARTER: Marie Carter, staff  
6 counsel.

7 Yes, they do. They have to be known to the  
8 Secretary of State so that in the event an action is  
9 brought against them, the plaintiffs would know who to  
10 serve the papers to.

11 COMMITTEE MEMBER PAPARIAN: Okay. And then  
12 similarly with the non-profit organizations?

13 LEGAL COUNSEL CARTER: Yes.

14 COMMITTEE MEMBER PAPARIAN: Is it the same sort  
15 of corporate filing or is it something different that  
16 you're looking for there?

17 LEGAL COUNSEL CARTER: Well it's a different  
18 filing, but basically the rationale for the filing is  
19 the same.

20 COMMITTEE MEMBER PAPARIAN: Okay. So what  
21 you're looking for is the filing that has the names of  
22 the corporate officers --

23 LEGAL COUNSEL CARTER: Right.

24 COMMITTEE MEMBER PAPARIAN: -- and the articles  
25 of incorporation and whatever?

1           LEGAL COUNSEL CARTER: Right.

2           COMMITTEE MEMBER PAPARIAN: And that will be  
3 explained in whatever information sheet that goes along  
4 with this?

5           LEGAL COUNSEL CARTER: It can be if you so  
6 direct, or grant managers can respond to questions as  
7 they come in.

8           I'm not aware that this has been an issue in  
9 the past. It would be limited to our four grants that  
10 are available to private entities.

11          COMMITTEE MEMBER PAPARIAN: Yeah. Okay. Thank  
12 you.

13          COMMITTEE CHAIR MEDINA: I had a question, this  
14 is in regard to Board member Eaton's concerns.

15          Running through the checklist beginning at the  
16 top, could you point out the specific changes that were  
17 made?

18          MS. PACKARD: Oh, yes. If you'll give me just  
19 a moment, I apologize for not being prepared to do that.  
20 Let me find the original checklist.

21          COMMITTEE CHAIR MEDINA: In case the question  
22 should come up at the Board meeting.

23          MS. PACKARD: I'm sorry, I don't have the  
24 original checklist. I brought my packet but --

25          COMMITTEE CHAIR MEDINA: Could you just go over

1 the current checklist and just point out some of the  
2 changes that have been made?

3 MS. PACKARD: Could you -- is Jeannie here? I  
4 did not make the changes in the checklist, that was done  
5 by a group. Jim La Tanner actually did the changes, so  
6 I'm sorry, I apologize.

7 COMMITTEE CHAIR MEDINA: We can come back to  
8 you before the end of the meeting.

9 MS. PACKARD: Certainly. I can go get that  
10 information for you and come back. I apologize for not  
11 being prepared to do that.

12 COMMITTEE CHAIR MEDINA: All right. Okay.  
13 We'll get those changes towards the end of the meeting,  
14 but we don't have to wait to vote on the resolution.

15 So if I could have a motion on the resolution?

16 COMMITTEE MEMBER MOULTON-PATTERSON: Thank you,  
17 Mr. Medina.

18 And I wanted to thank Ms. Packard because I  
19 know I had some concerns about the checklist, and we're  
20 really happy with the changes, and thanks for all your  
21 work and all your staff's work.

22 And with that, I would like to move Resolution  
23 2002-462.

24 COMMITTEE MEMBER PAPARIAN: I'll second it.

25 COMMITTEE CHAIR MEDINA: Okay. Resolution

1 2002-462 has been moved by Board member Moulton-  
2 Patterson, seconded by Board Member Paparian, which is  
3 consideration of grant eligibility and qualifying  
4 requirements for permits and other specialized licenses.

5 If we could have a roll call, please?

6 COMMITTEE SECRETARY HARRIS: Paparian?

7 COMMITTEE MEMBER PAPARIAN: Aye.

8 COMMITTEE SECRETARY HARRIS: Moulton-Patterson?

9 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

10 COMMITTEE SECRETARY HARRIS: Medina?

11 COMMITTEE CHAIR MEDINA: Aye. And this item  
12 will move to the consent calendar.

13 MS. PACKARD: Excuse me, Mr. Medina. Jim is  
14 here right now and I'm going to have to leave in a few  
15 minutes, would it be possible to go ahead and go through  
16 the permit checklist at least while I'm here.

17 COMMITTEE CHAIR MEDINA: Certainly, yeah.

18 MS. PACKARD: Okay. Thank you.

19 MR. LA TANNER: Jim La Tanner, manager of the  
20 RMDZ loan program.

21 On the checklist the main thing is we really  
22 tried to simplify it. It was twice as long. We deleted  
23 all the items that are like general business filings and  
24 so forth.

25 At the top there's three options. The third

1 one where the little "N/A" is to the left of local  
2 general business, would clarify the language.

3           Essentially the applicant has the permit, they  
4 will obtain or modify it, or it's not applicable. We  
5 made the language easier to understand for an applicant.

6           The actual list itself has been cut down to  
7 only those permits that would really be applicable in  
8 the grant situation to companies getting it depending on  
9 the type of the project.

10           What we deleted out was there's a whole nother  
11 list of items that could be checked that really are not  
12 applicable to the grant, more for the loan programs and  
13 not the grants.

14           And one clarifying, the Secretary of the State  
15 is using these financing statements, generally used for  
16 non-titled equipment. The corporate filings are with  
17 the Department of Corporations that can issue a  
18 certificate of good standing.

19           Thank you.

20           COMMITTEE CHAIR MEDINA: Thank you very much.

21           Any questions?

22           Again, thank you.

23           If you'd call the next item, please.

24           MS. JORDAN: Okay. Item C is a committee  
25 presentation, it's the overview of the equal employment

1 opportunity program, and it will be presented by  
2 Catherine Foreman.

3 MS. FOREMAN: Good morning, Mr. Chairman and  
4 members of the committee. I'm Catherine Foreman, the  
5 Board's Equal Employment Opportunity Officer.

6 Today, as per the committee's request, my  
7 overview will address the EEO office duties and  
8 responsibilities; the non-EEO duties and  
9 responsibilities; the reporting relationship, staffing  
10 and budget of the EEO office; and the history of the EEO  
11 program as well as the goals and timetables process.

12 Now last night I left at 4:30 so I was unable  
13 to check some questions, some specific questions that  
14 were sent to me by the committee. Unfortunately I  
15 didn't see them until this morning.

16 I do believe some of those questions will be  
17 answered in my presentation, however some of them might  
18 take a little bit more research. And if they're not  
19 answered, I'd be happy to present those answers at  
20 another meeting.

21 So I'll get started.

22 COMMITTEE CHAIR MEDINA: Thank you. And just  
23 in that regard, this is kind of a dress rehearsal for  
24 future presentation before the full Board, so I thought  
25 this would be a good time, and you did a very good job

1 of presenting the materials, and I just wanted you to  
2 have a set of questions to review beforehand.

3 MS. FOREMAN: Okay. Great. Thank you. Well,  
4 I'll start with the duties and responsibilities.

5 As the EEO officer I develop, review, and  
6 monitor selection activities at the Board.

7 And what that entails is preparing annual  
8 reports, goals, and timetables, formally referred to as  
9 affirmative action goals and timetables or equal  
10 opportunity goals and timetables.

11 I review quarterly reports from the State  
12 Personnel Board, and their bottom line hiring reports to  
13 ensure that EEO, equal employment opportunity exists.

14 And I review all interview questions and  
15 screening criteria here at the Board before any  
16 interviews take place to ensure that those questions are  
17 job related and that no artificial barriers exist to  
18 screen out, that would unfairly screen out qualified  
19 applicants.

20 I conduct EEO counseling on EEO issues. As an  
21 EEO counselor I counsel employees with regard to  
22 discrimination complaints to help to resolve problems at  
23 the lowest possible level. Many times the elements are  
24 not there to substantiate a claim of discrimination;  
25 however, in most of those instances it's usually

1 discourteous treatment from one employee toward another,  
2 or it's as a result of some competency issues. In those  
3 cases I either counsel the employees that are involved,  
4 or I might have to refer them to the state's mediation  
5 program.

6 I serve as the lead or a member of an  
7 investigative team on informal and formal discrimination  
8 complaints.

9 I am one of four counselor investigators who  
10 investigate discrimination complaints filed either here  
11 at our Board, the Department of Fair Employment and  
12 Housing, or the Equal Employment Opportunity Commission  
13 to determine if discrimination occurred; and if so, to  
14 recommend an appropriate course of action.

15 I serve as the Board's Americans with  
16 Disabilities Act coordinator, or ADA coordinator, to  
17 ensure that the Board is in full compliance with the  
18 provisions of the Act relative to program and physical  
19 access issues.

20 I also, as the EEO officer, serve on the Cal  
21 EPA Advisory Committee on Disability to make  
22 recommendations to Cal EPA regarding some of the  
23 physical access issues here in our building.

24 I serve as the Board's reasonable accommodation  
25 coordinator.

1 I work with Health and Safety, Business  
2 Services, our Return to Work Coordinator or Workers'  
3 Comp Coordinator, the disabled employee and their  
4 supervisor, to ensure that they have the necessary  
5 accommodations to continue productive employment.

6 I serve as the Board's language survey  
7 coordinator. I conduct the biennial survey that's  
8 required by the Dymally-Alatorre Bilingual Services Act  
9 for our employees in public contact positions to ensure  
10 that our employees serve the language needs of our  
11 constituency.

12 I also coordinate the certification of our  
13 bilingual employees.

14 I develop and conduct EEO and employment law  
15 training. This training is usually for managers and  
16 supervisors as laws change as a result of precedential  
17 legal decisions or new legislation affecting the  
18 provisions of the Americans with Disability Act, the  
19 Fair Employment and Housing Act, or Title VII of the  
20 Civil Rights Act.

21 I ensure the delivery of sexual harassment  
22 prevention and diversity training. This training is  
23 mandatory for managers and supervisors, and we ensure  
24 that our employees attend also, and it is given every  
25 other year.

1           In addition, our diversity training has been  
2   offered here at the Board in 1995, 1997, and it's being  
3   offered again this year. As a matter of fact, we just  
4   finished five sessions and we'll have a couple of more  
5   too to add.

6           I develop and participate in outreach programs  
7   and recruitment activities.

8           I serve as the Board's recruiter, and I  
9   participate at career fairs at colleges and universities  
10   and with employee association conferences.

11          At, many times myself and the other recruiters  
12   of the Cal EPA BDO share recruitment activities because  
13   we're all looking for the same folks, engineers and  
14   scientists, that's where our entry level folks come  
15   from. So we share a lot of our recruitment activities  
16   to cut down on the costs.

17          I also serve as the upward mobility  
18   coordinator. And I'm in the process of coordinating the  
19   Board's upward mobility program. Last year State  
20   Personnel Board gave us some regulations regarding that  
21   program and what we need to do, so I will be working  
22   with budgets, training, personnel, and labor relations  
23   to develop an upward mobility guide and career program  
24   for upward mobility employees.

25          I also serve as the LEAP Coordinator, which is

1 the Limited Examination Appointment Coordinator. That  
2 program is for disabled candidates that are certified by  
3 the Department of Rehab. They're placed in a limited  
4 number of job classifications, and they serve a  
5 readiness evaluation and an on the job evaluation prior  
6 to the regular evaluation process. So it's a different  
7 process than most employees would follow.

8 Now, my other duties and responsibilities that  
9 are non-equal employment opportunity related are I'm the  
10 Board's mentor program coordinator.

11 The mentor program targets at risk youth, and  
12 there was a Governor's Executive Order seeking ten  
13 percent of each department to encourage their employees  
14 to mentor. At our Board we only have two employees  
15 involved in mentoring, so there's really not much  
16 involved in that program as far as my time.

17 I am the employee assistance program  
18 coordinator. I'm there to answer questions for  
19 employees about the program, there's really, and to  
20 refer them, give them the number, give them some  
21 information. Also I set up training for new employees  
22 and supervisors who don't know about the program.  
23 There's training that's offered about four times a year,  
24 so I send out a notice to let them know where the  
25 training occurs.

1           There's a new work and family program and I'm  
2 the coordinator of that program. That program was  
3 administered, was established this year through the  
4 bargaining, through bargaining. And it will offer, it's  
5 a new dependent care benefit that will help certain  
6 employees deal with the high cost of dependent care or  
7 give them some money to help with dependent care either  
8 for elder or for child.

9           I'm also the health promotion coordinator or  
10 wellness coordinator, and I coordinate information and  
11 activities regarding wellness here at the Board.

12           Now that's it on the non-EEO duties and  
13 responsibilities.

14           My reporting relationship, staffing, and  
15 budget. As the EEO officer I report to the Branch  
16 Manager of the Administrative Services Branch of the  
17 Administration and Finance Division who is Blanche  
18 Harbridge-Wright.

19           The statute that specified a reporting  
20 relationship for an EEO officer, formerly known as  
21 affirmative action officer, has been repealed.

22           Now, to get into the goals and timetables I  
23 want to give a little history of equal opportunity and I  
24 will do that briefly.

25           There was a Governor's Executive Order in 1995,

1 but prior to that Governor's Executive Order, prior to  
2 that Executive Order goals and timetables, which we are  
3 required to establish by law, they were based on the  
4 general census. In other words, our labor force had to  
5 mirror the state's labor force, and the labor force as  
6 it was in the 1990 general census.

7           At that time it was 64 percent white, 6.2  
8 percent black, 23.6 percent Hispanic, 2.3 percent  
9 Filipino, point six percent American Indian, point four  
10 Pacific Islander, point two percent other, and 6.3  
11 percent disabled.

12           At that time if there were deficiencies in any  
13 of those groups, we were able to participate in focused  
14 recruitment, we could actually go to different career  
15 fairs. At that time I used to participate in the  
16 Society of Hispanic Professional Engineers and the Black  
17 Engineering Society and the American Engineering -- the  
18 American Indian Society of Engineers and Scientists. I  
19 was able to attend those types of functions.

20           Of course, now things have changed and I can't  
21 do any focused recruitment, but that's how goals and  
22 timetables were figured.

23           Then in 1995 the Governor's Executive Order,  
24 W-124-95 prohibited preferential treatment based on race  
25 and gender. Specifically, that Executive Order changed

1 the way goals and timetables were figured. In addition,  
2 there were four things that changed as a result of that  
3 Executive Order.

4 Number one, it eliminated minority and women's  
5 advisory groups.

6 The Board used to have a women's advisory  
7 group, and we had an advisory committee on diversity.  
8 Those were disbanded.

9 It eliminated the requirement that supervisors  
10 justify the selection of a non-target group member.

11 Prior to the Governor's Executive Order, if a  
12 non-target group member was hired, the supervisor on the  
13 hiring paper had to give an explanation why they did not  
14 hire that targeted group.

15 It eliminated gender and ethnicity focused  
16 recruitment.

17 Now, as I said, we can only participate in  
18 general broad based recruitment activities.

19 And also, most importantly, it changed the  
20 methodology in which our annual hiring goals and  
21 timetables were computed, and directed the State  
22 Personnel Board, which is our control agency, to prepare  
23 the necessary regulations.

24 At that time our, our, after the Governor's  
25 Executive Order, our goals and timetables were then

1 based on the relevant labor force parity.

2           And what relevant labor force parity is, it's  
3 based on the employment pool possessing the necessary  
4 qualifications for a particular job classification. So  
5 instead of being based on the general census, now it's  
6 based on those that have the prerequisites for the  
7 position.

8           For example, it compares our IWMS's with the  
9 people in the state of California who qualify to take  
10 our Integrated Waste Management Specialist exam. In  
11 other words, those people that meet the minimum  
12 qualifications that have a bachelor's degree in  
13 biological, chemical, physical, environmental, or soil  
14 science. So instead of comparing with the general  
15 population, it compares with a narrowed occupational  
16 group.

17           Now, our 2000, 2001 goals that were prepared  
18 and approved by the State Personnel Board, and you have  
19 copies of them, I've given you three years.

20           In 2000, for the 2000-2001 fiscal year, we had  
21 to set goals only in three classes. The State Personnel  
22 Board, in writing the regulations, did an analysis. And  
23 in order to do an analysis of these occupational groups,  
24 the occupational group had to have 30 members or more,  
25 30 or less was too small for a statistical analysis. So

1 the only groups that were analyzed for the goals and  
2 timetables in that year were the waste management,  
3 integrated waste management series, the staff services  
4 series, and the typist and secretary series.

5           During 2000-2001 our goals were fourteen Asian  
6 and eight Filipino in integrated waste management  
7 specialists. Those were the goals we should try to  
8 achieve. We were at parity with goals for persons with  
9 disabilities, so that year we did not need to set goals.

10           In the year 2001 to 2002, again we had to set  
11 goals on those same three groups, because we have, we  
12 have a lot of other classifications here at the Board,  
13 but they are classifications, unfortunately they don't  
14 get added into the goals and timetables process because  
15 of the fact that they are under 30. And this  
16 determination is a determination by the State Personnel  
17 Board, not one that I have control over.

18           Now, for that fiscal year our goals were  
19 seventeen Asian and nine Filipino hires in the  
20 integrated waste management specialist classes.

21           And with persons with disabilities we had a  
22 deficiency of ten.

23           Now what happened was Proposition 209,  
24 Proposition 209 and the Court of Appeals decision that  
25 repealed the Government Code section that established

1 affirmative action programs and goals and timetables.  
2 Proposition 209 became law on November 6th, 1996.  
3 However, a U.S. District judge issued a temporary  
4 restraining order enjoining the Governor and Attorney  
5 General from implementing or enforcing the provisions of  
6 Proposition 209. As a result, the goals and timetables  
7 process was not changed.

8           However, last year, October, 2001, the Third  
9 District Court of Appeal concluded that the provisions  
10 that require the establishment of goals and timetables  
11 facially violated the Constitution as amended by Prop  
12 209.

13           As a result, goals and timetables are now  
14 figured a completely different way. As a matter of  
15 fact, we do not do goals and timetables, we do what is  
16 known as a workforce analysis.

17           The State Personnel Board has proposed new  
18 statutes to replace those that were repealed, however, I  
19 don't know the result of them, they should be going  
20 through this legislative session.

21           So instead of goals and timetables for this  
22 fiscal year, we have the obligation to provide equal  
23 opportunity to all employees, and have  
24 non-discriminatory employment practices.

25           We had to conduct an analysis of our workforce

1 and employment practices to identify any statistically,  
2 statistically significant under-utilization of any  
3 racial, ethnic, or gender group that may indicate a need  
4 for further research and review, or possible employment  
5 discrimination problems.

6           Where significant under-utilization or adverse  
7 impact for any group is found, we had to identify the  
8 cause; determine the job relatedness of the employment  
9 procedure or standard; and, where appropriate, take  
10 action to remedy any non-job related barrier.

11           Now, to do this I had to analyze our bottom  
12 line hiring reports. And those bottom line hiring  
13 reports provide data on the passing rates at each step  
14 of the exam process for racial ethnic groups, gender  
15 groups, and people with disabilities.

16           If a passing rate for a group is below 80  
17 percent of the highest passing group, there is an  
18 adverse impact at that stage of the exam that may  
19 indicate an employment discrimination problem requiring  
20 further action.

21           I also had to look at intake and promotion  
22 reports.

23           This current workforce analysis that was  
24 provided for the 2002-2003 fiscal year found  
25 statistically significant under-utilization of the

1 following groups:

2 In the staff services group, men, fifteen.

3 And in the integrated waste management  
4 specialist group, men, 35.

5 In the typists and secretaries group, whites,  
6 six; and women, two.

7 However, after analyzing all of those reports,  
8 the bottom line intake and promotion reports for the  
9 fiscal year 2002-3 on those groups, it indicated no  
10 adverse impact or specific employment barriers against  
11 those under-utilized groups.

12 Now for this fiscal year, for persons with  
13 disabilities the Board has an overall representation  
14 greater than 80 percent and is not required to set  
15 goals.

16 Now, before I conclude here, I'd like to point  
17 out that I've been in this position since 1994, and  
18 since I've been in this position the Board has only had  
19 seven discrimination complaints during that time, which  
20 I think is quite admirable when I compare a lot of other  
21 departments around the state.

22 And I believe we have such a low number because  
23 of the proactive measures that the Board has taken. And  
24 out of those seven, discrimination was only found in  
25 three of those cases.

1           Well, some of those proactive measures that I  
2   feel contribute to that, to equal employment opportunity  
3   here at the Board are all of our examination  
4   chairpersons have completed chairing oral examination  
5   course through the State Personnel Board technical  
6   training program.

7           And all of our counselors and investigators  
8   have also been trained through the State Personnel  
9   Board's program.

10          I review all questions and screening criteria  
11   prior to any interviews taking place to ensure that the  
12   questions are job related and that there are no  
13   artificial barriers to screening out applicants.

14          Also, the Board has non-discrimination and  
15   harassment policies in place.

16          Those policies are included in the new employee  
17   orientation as well as employees are sent an annual  
18   reminder notice every June or July reminding them of  
19   these policies and letting them know where they are  
20   located on the Board's administration manual on our  
21   BoardNet.

22          Also, all managers and supervisors attend  
23   diversity training and sexual harassment prevention  
24   training.

25          And also, the Board will continue to

1 participate in broad-based recruitment activities to  
2 seek out qualified applicants for our open examinations.

3           However, as a result of the administration's  
4 hiring freeze, it's my understanding that the  
5 examination office has suspended its open examinations  
6 because we can't hire anyone; so therefore, I'm not  
7 participating in any recruitment activities at this  
8 time.

9           That concludes my presentation. If you have  
10 any specific questions then I would be happy to answer  
11 them.

12           COMMITTEE CHAIR MEDINA: Thank you, Ms.  
13 Foreman, for a very good presentation.

14           And Board members, any questions?

15           COMMITTEE MEMBER MOULTON-PATTERSON: Thank you  
16 again, that was great, Catherine. I really appreciate,  
17 I learned a lot from it.

18           Just on a personal note before I forget it, I  
19 wanted to mentor and I've been over to the Boys and  
20 Girls Club a couple of times and they haven't called me  
21 back. I think they might have had a change in the  
22 volunteer coordinator. So on a personal note, if you  
23 could get me that, I'd appreciate it.

24           MS. FOREMAN: Certainly will.

25           COMMITTEE MEMBER MOULTON-PATTERSON: Also, I

1 did have one non-specific comment.

2 On the so-called whistle blower cases, would  
3 you handle that through your office or how does that  
4 work?

5 MS. FOREMAN: Well what I did was, as per state  
6 law, each department had to notify their employees by  
7 e-mail that this program existed.

8 COMMITTEE MEMBER MOULTON-PATTERSON: Okay.

9 MS. FOREMAN: There are posters all around the  
10 building.

11 COMMITTEE MEMBER MOULTON-PATTERSON: Yeah,  
12 they're all around the building, I saw the posters,  
13 that's why I was asking about it.

14 MS. FOREMAN: There's a law that said by August  
15 of each year we have to let our employees know. And  
16 since it talked about retaliation and other things it  
17 seemed like it was a great place for me to do it. So  
18 it's just letting employees know that the program -- it  
19 is the Auditor's Office that, the Bureau of State Audits  
20 that deals with that program, I just merely let our  
21 employees know the program existed.

22 COMMITTEE MEMBER MOULTON-PATTERSON: Okay.  
23 Thank you, Catherine.

24 MS. FOREMAN: You're welcome.

25 COMMITTEE CHAIR MEDINA: Thank you.

1 Board Member Paparian.

2 COMMITTEE MEMBER PAPARIAN: Thank you, Mr.  
3 Chairman.

4 I just wanted to follow up on a couple of  
5 items. You mentioned that you can't do the type of  
6 focused recruitment that you used to be able to do.

7 MS. FOREMAN: We can't do recruitment relative  
8 to gender and ethnicity because of the Governor's  
9 Executive Order from 1995.

10 For instance, I can do broad based recruitment,  
11 recruitment at career fairs, at colleges and  
12 universities, and a lot of the State Personnel Board  
13 does recruitment activities throughout the state, and if  
14 they're in Sacramento or in certain areas where we might  
15 be recruiting I attend those.

16 But for the most part I don't attend the  
17 engineers and scientists type of conferences that I used  
18 to in the past.

19 COMMITTEE MEMBER PAPARIAN: So you're attending  
20 things like colleges and --

21 MS. FOREMAN: I can focus on a classification,  
22 I can focus on scientists, scientists and engineers, but  
23 I can't focus on minority scientists and engineers  
24 anymore.

25 COMMITTEE MEMBER PAPARIAN: Okay. So if it was

1 the Hispanic engineers --

2 MS. FOREMAN: Or the black engineers or the  
3 Asian engineers, I can't really participate in those  
4 recruitment activities anymore as per the Executive  
5 Order.

6 COMMITTEE MEMBER PAPARIAN: Okay. It must be  
7 frustrating, because I mean some of the colleges if you  
8 went, I don't want to pick on --

9 MS. FOREMAN: Right. Yeah. They have a lot of  
10 organizations, however I guess the reasoning behind the  
11 Executive Order, which I wasn't party to, was that if  
12 you do enough general broad based recruitment you're  
13 going to bring in folks.

14 COMMITTEE MEMBER PAPARIAN: Yeah. But in, some  
15 of the specific colleges might have --

16 MS. FOREMAN: They do.

17 COMMITTEE MEMBER PAPARIAN: -- a skewed  
18 population of their own.

19 MS. FOREMAN: They do.

20 COMMITTEE MEMBER PAPARIAN: You look at -- I  
21 don't want to name a college, but yeah. You can't  
22 balance out that with, you know, attending --

23 MS. FOREMAN: Well, in addition to the  
24 recruitment, since we've been giving our integrated  
25 waste management specialist exam on a supplemental

1 basis, actually I administered that exam for the past  
2 two years, two and a half years myself, it was given on  
3 a quarterly basis. And since the information is on our  
4 BoardNet and it's on State Personnel Board's website,  
5 there's a page that goes along with the state  
6 application on where did you hear about this. The  
7 majority, the overwhelming majority was on the Internet.

8           So I make sure that the career and placement  
9 offices of all the colleges and universities within  
10 California receive copies of our exam notices as well as  
11 I develop the dialogue with some of the particular  
12 recruiting officers here within UC Davis, Sac State, Cal  
13 Poly, San Luis Obispo, Humboldt. There are a lot of  
14 colleges.

15           If I'm not able to attend recruitment  
16 activities, I enlist the, some of our IWMS's who happen  
17 to, that are alumnus, they happen to go for me  
18 sometimes.

19           But we cannot attend gender and ethnic based  
20 recruitment activities.

21           COMMITTEE MEMBER PAPARIAN: Okay. The upward  
22 mobility program that you mentioned -- now I don't even  
23 know what my question is. What can we do to help that?  
24 Is there anything that we can do to --

25           MS. FOREMAN: Well by statute there are a

1 limited number of folks that can participate in that  
2 upward mobility program, and they are the lower paid  
3 classifications. And it's to help them get into entry  
4 professional and technical classes.

5 And there is a program, it hadn't been  
6 administered much by State Personnel Board. We had, we  
7 were never even required to set goals until last year  
8 when State Personnel Board created some regulations for  
9 that program.

10 I'm in the process of working with those  
11 entities that I had talked about, budgets, training, and  
12 personnel to come up with a program. We have to set  
13 some criteria to determine who will participate in the  
14 process, but it is for only a certain specified number  
15 of classifications.

16 COMMITTEE MEMBER PAPARIAN: So. So we don't  
17 have anything, do we have anything like an internal  
18 mentoring program either for --

19 MS. FOREMAN: We had, probably back in 1995 we  
20 did, we had an internal mentoring program, and we  
21 actually had a group of mentors that had volunteered  
22 from most of the divisions. But you know what? No one  
23 availed themselves. And it was quite, it was  
24 advertised, there was a lot of information, and no one  
25 availed themselves of that mentoring program. Not one

1 employee.

2 COMMITTEE MEMBER PAPARIAN: Is there anything  
3 that you know of in other agencies that's similar in  
4 some way that's been successful?

5 MS. FOREMAN: Some of them do but they tend to  
6 have a bridging class. We don't have a technical  
7 bridging class to our integrated waste management  
8 specialist. But a lot of them do. I know Department of  
9 Water Resources does, but they, there's is in an  
10 engineering area.

11 A lot of the other BDO's I'm working with them  
12 and checking out some of their programs because by law  
13 we will have to come up with an upward mobility program.  
14 But as I said, it only encompasses certain  
15 classifications that the state designates qualified to  
16 participate in the upward mobility program.

17 What the Board does have in place is career  
18 related and upward mobility training reimbursement.  
19 Those two programs are administered by the Office of  
20 Organizational Effectiveness, John Sitts' office.

21 But what it does is allows people in the upward  
22 mobility program to be able to be reimbursed up to \$500  
23 per year for tuition and books.

24 Also, they have the career related training  
25 reimbursement program which will also do the same thing

1 for those folks who already have degrees but are seeking  
2 higher degrees or certifications at, say, UCD.

3 So those, we do have two programs that do offer  
4 reimbursement, but as I said, those programs are  
5 administered through the training office.

6 COMMITTEE CHAIR MEDINA: And OES will be making  
7 a presentation here later on.

8 COMMITTEE MEMBER PAPARIAN: Okay. I don't want  
9 to put you on the spot with your supervisors, but what  
10 can we do to, what can we do to help your program? What  
11 would be on your wish list?

12 MS. FOREMAN: Well, like I said, I think the  
13 program is really going well in that I point to the low  
14 number of discrimination complaints. I really, I'll  
15 have to think about that.

16 MS. HARBRIDGE-WRIGHT: Blanche Harbridge-Wright  
17 with the Administration Division. I'm Catherine's  
18 supervisor.

19 And just as a response to your question, I  
20 think it would be helpful if we continue to get your  
21 support in training that we provide. And we encourage  
22 our supervisors and managers to attend that training.  
23 So as long as we have the Board's and our executive  
24 team's support in encouraging our supervisors and  
25 managers to attend that training, I think we'll continue

1 to have a low number of complaints in the organization,  
2 and continue to provide or solicit a wide candidate pool  
3 in our entry level classes.

4 COMMITTEE MEMBER PAPARIAN: Thank you.

5 COMMITTEE CHAIR MEDINA: Just as a follow-up to  
6 that question, having listened to all of your  
7 responsibilities and all of the things that you do,  
8 could you use an additional staff person?

9 MS. FOREMAN: Well it sounds like I, well as  
10 you can see, it's a lot. What is fortunate is that it's  
11 a flowing process. I'm not always doing discrimination  
12 complaints, I'm not always doing goals and timetables.  
13 Goals and timetables are annually, there are certain  
14 things I do quarterly.

15 As it stands now I'm, I don't feel pressured to  
16 handle all of my duties for the simple fact that I don't  
17 do them every day. Some of them I do, but they're kind  
18 of in a flowing process. You never know what's going to  
19 come to you, you never know when you're going to have a  
20 complaint or a reasonable accommodation issue for that  
21 matter. I never know when someone is going to come and  
22 say, "Hey, I was in a car accident, I now need my work  
23 station to be fixed as such."

24 So I, I, it's kind of on a flowing basis, but I  
25 haven't felt overwhelmed yet because there are certain

1 deadlines that are biennial things I do, there are  
2 annual things that I have to do, there are quarterly  
3 things, quarterly reports that I have to make. So --

4 COMMITTEE CHAIR MEDINA: So when you need staff  
5 support you're able now to draw from the rest of the  
6 program?

7 MS. FOREMAN: Yes, I am. And a lot of the  
8 information that I do need is in the personnel area.  
9 I'm able to get a lot of the reports or information that  
10 I do need from those employees.

11 COMMITTEE CHAIR MEDINA: Okay. One of the  
12 questions that I had is that a quick review of the  
13 employee orientation on the Board website does not show  
14 the EEO program. Is there anyplace in the orientation  
15 that does show the elements of the EEO program?

16 MS. FOREMAN: I don't do the employee  
17 orientation, but I know on the orientation the employees  
18 have to read our policies relative to discrimination  
19 complaint, sexual harassment prevention, reasonable  
20 accommodation. They are on our Board's website, and I  
21 know, I haven't gone through that process, but I think  
22 the employee and their supervisor then signs that they  
23 have read and understand those policies, is that --

24 MS. JORDAN: That's correct. Terry Jordan with  
25 the Administration and Finance Division.

1 I am, I guess I'm losing my voice. On the  
2 employee orientation there is a section that refers the  
3 employees to policies, critical policies that they need  
4 to have knowledge of, and that they need to certify that  
5 they have read. And they have to sign and their  
6 supervisor has to sign once completed. And that  
7 actually goes in their file.

8 The purpose of that is these are lengthy  
9 policies and it would take up too much on the actual  
10 orientation site. So what it does is it links to our  
11 admin manual where those policies exist.

12 So my understanding is it actually, they can't  
13 continue until they read those. So they do have to  
14 certify that they have read them and they understand  
15 them.

16 COMMITTEE CHAIR MEDINA: So if you're a new  
17 employee and you're looking up the employee orientation  
18 on the website, and you wish to look up whatever  
19 references to EEO there are, would you be able to do  
20 that now currently?

21 MS. FOREMAN: Yes, you can on the Board's,  
22 through the Board's link. There's a link on EEO, there  
23 is an EEO link.

24 COMMITTEE CHAIR MEDINA: Okay. Thank you.

25 In regard to the persons with disabilities act,

1 can you tell us, bring us up to date on some of the  
2 current issues around the building? Because we've heard  
3 about those. And what's being done to resolve some of  
4 those issues, and what our participation as the Waste  
5 Board has been?

6 MS. FOREMAN: Okay. Well, last -- let's see.  
7 In March, 2001, I sent a memo to the Chair's office, and  
8 Bonnie Bruce then forwarded to the Board member's exec  
9 staff and managers and supervisors explaining some of  
10 the issues and what was being done and what had been  
11 done.

12 What happened was there was a survey by the  
13 Department of Rehab where they surveyed our common areas  
14 of the building, and then later on, last year around  
15 July, they surveyed our work areas of each BDO.

16 There's a long list of things that needed to be  
17 done, I don't know if you want me to go into them  
18 specifically. But the majority of the physical access  
19 issues here in the building when we first moved in,  
20 they've been taken care of.

21 As you can see, we have automatic door openers,  
22 some of the obstructions have been moved. Let's see.  
23 They've added some more disabled parking. What else?  
24 We have signs. We have elevators that actually speak to  
25 you and tell you what floor you're on.

1           We use California Braille. There was a big  
2 to-do of the difference between California and Federal  
3 Braille.

4           What else is there? There have been a lot of  
5 things that have taken place.

6           Now we are working on our specific work areas.  
7 And you'll see within the next month one cubicle per  
8 division, per BDO will be lowered for wheelchair  
9 accessibility. We talked about moving certain things in  
10 breakrooms, making sure the movement of furniture so  
11 people could access, get around a table. We have had a  
12 couple of work stations in our computer training room  
13 fixed so that they could go up and down for folks with  
14 wheelchairs.

15           There have been a lot of things that have  
16 happened. I would be happy at some point to bring all  
17 of those to you as Theresa Parsley has reported to us  
18 the ongoing nature of what has been fixed, what hasn't  
19 been fixed, how they plan to do it, and as I understand,  
20 some of the things might never be fixed or might not be  
21 fixed right away because of the money, you know, it  
22 costs a lot.

23           So, as a matter of fact, they have just ordered  
24 25 stair chairs that we hope will be here by October.  
25 And the stair chairs will allow persons with mobility

1 issues to be able to leave this building during an  
2 evacuation when they can't go down the elevator.

3           They're really nice. They are, I'd say they're  
4 a cross between a cot and a lawn mower and, but they're  
5 very easy to use, anyone can use 'em, so we're going to  
6 have 25 of those, one per floor to allow people to be  
7 able to leave in an emergency should the, you know, the  
8 disabled person not be able to walk.

9           COMMITTEE CHAIR MEDINA: So at the present time  
10 if they have to be evacuated from the 25th floor they --

11           MS. FOREMAN: If they have to be evacuated from  
12 the 25th floor they have to wait until the firemen come  
13 and get them.

14           COMMITTEE CHAIR MEDINA: Yes.

15           MS. FOREMAN: And move them.

16           MS. JORDAN: But they wait within the vestibule  
17 within the staircase.

18           MS. FOREMAN: Right. So as the EEO officer I  
19 do serve on the Cal EPA Disability Advisory Committee  
20 that has been dealing with all of these issues.

21           The advisory committee is comprised of an EEO  
22 officer at each BDO, and members, a member at large, and  
23 members of the BDO's disability advisory committee.

24           Our disability advisory committee,  
25 unfortunately, is comprised of only three people, myself

1 and two others. We've tried to get more people  
2 involved, but it's, it's hard to get folks to serve on  
3 certain committees. They don't have to be disabled,  
4 just sensitive to the issues of the disabled.

5 But anyhow, I'm very involved in that  
6 committee. That's taken up a lot of my time, boy, in  
7 the last year and a half or so. And I see a lot of  
8 progress.

9 We will have another disability, Disability  
10 Awareness Fair again in October. Our awareness fair at  
11 the building here will be the premiere fair for the  
12 State of California. We will have the Department of  
13 Rehabilitation here, we will have -- the Department of  
14 Rehab will be actually here certifying people that are  
15 disabled. It's going to be a big fair, and I certainly  
16 hope everyone will participate.

17 We will have training, mandatory training for  
18 our managers, supervisors on some of the new changes in  
19 the laws with regard to disabilities. So the committee  
20 has been very proactive, and as the EEO officer I  
21 represent the Board on that committee.

22 COMMITTEE CHAIR MEDINA: Wonderful. And please  
23 keep us apprised --

24 MS. FOREMAN: I certainly will.

25 COMMITTEE CHAIR MEDINA: -- of any progress in

1 this area.

2 MS. FOREMAN: I will.

3 COMMITTEE CHAIR MEDINA: Board members, any  
4 further questions?

5 COMMITTEE MEMBER MOULTON-PATTERSON: No, I just  
6 want to say again how helpful this was and we really  
7 appreciate it.

8 MS. FOREMAN: Thank you. Okay.

9 COMMITTEE CHAIR MEDINA: Thank you for your  
10 presentation. It was very informative. And in the  
11 future I'll look forward to having a presentation before  
12 the full Board.

13 MS. FOREMAN: Okay.

14 COMMITTEE CHAIR MEDINA: With that, we will  
15 move on to the next item which is item D, and that item  
16 has been deleted.

17 And then we will move on to item E.

18 MS. JORDAN: Item E is overview of fiscal year  
19 2002-3 operating budget, and the recent change to  
20 administrative requirements for consulting and  
21 professional services contracts.

22 This again is a committee item only, and the  
23 individuals that will be presenting are myself, Terry  
24 Jordan, Elsie Brenneman, and Blanche Harbridge-Wright.

25 What we're going to do is provide you some

1 information on the fiscal administrative calendar.

2 We've put together a calendar for you.

3 In addition, we'll talk a little bit about the  
4 current fiscal year's budget.

5 And then we'll talk about the changes in  
6 consulting and professional services contract  
7 administrative processes.

8 Before you you should have a calendar, it says  
9 "Fiscal Administration Calendar," and there should be  
10 three pages. What that entails is a helpful tool, and  
11 we'll be distributing this also to the rest of the Board  
12 members and executive staff, and certainly they can  
13 utilize it throughout their divisions.

14 But what it does is on an annual basis it  
15 provides for an understanding of where in the year,  
16 calendar year, fiscal year, where in that year the  
17 process will take place for different things.

18 For instance, out of state travel. We do  
19 planning for our fiscal year out of state travel, and  
20 there is a whole process that that entails with control  
21 agencies. So therefore, we'll put the call out to the  
22 programs. We do that for out of state travel, budget  
23 change proposals, and the year end requirements.

24 In addition, we've included a timeline for, for  
25 your information to see the expected dates and what we

1 do with regards to putting out the operating budget  
2 allocations. So we think this should be very helpful to  
3 you.

4           The third page is the consulting with  
5 professional services process timeline. And you'll see  
6 that this crosses two fiscal years simply because while  
7 we're working in one year, bringing allocation forward  
8 in that same year, we'll be looking at also asking you  
9 or soliciting you for your ideas for the next fiscal  
10 year. So we kind of do two things at one time.

11           This lays out for you all the processes that we  
12 go through internally on the contracting side. And  
13 you'll also see that we do have to prepare an annual  
14 report, and we do conduct annual contract manager  
15 training.

16           We have had a fairly new staff in the contracts  
17 office because we had some individuals leave and then we  
18 hired new individuals. This is probably the first year  
19 in a couple of years that we've conducted the contract  
20 training, and I have to say that I've heard nothing but  
21 good about the training that was conducted. And that  
22 was done recently, there was two or three sessions --  
23 two sessions in July, is that correct? And it's  
24 probably one of the best that we've ever put on, and so  
25 I have to say or at least send accolades to the staff

1 that did that.

2 But if you have any questions on this calendar,  
3 we'd be more than happy to answer them. You might want  
4 to take it back, take the time to go through it. It  
5 will kind of give you an indicator so that you know  
6 during the time of year when we're going to be asking or  
7 hounding you for information.

8 The next area that we're going to go over is  
9 the budget for fiscal year 2002-03. And as you heard,  
10 it has not been approved yet, but I'll turn this over to  
11 Elsie.

12 MS. BRENNEMAN: Good morning, Elsie Brenneman  
13 from the Budget Office for the Administration and  
14 Finance Division.

15 So on the screen you'll see that we provided a  
16 pie chart that displays the '02-'03 total expenditure  
17 authority which are the amounts that are reflected in  
18 the Governor's budget. So as T.J. mentioned, we don't  
19 have an approved budget for '02-'03, and this is what  
20 was proposed and is displayed in the Governor's budget.

21 So I wanted to point out the footnote for the  
22 integrated waste management account. It reflects the  
23 dollar amount for the conversion technology BCP which at  
24 this point the intent of the legislature is to pull that  
25 BCP out so it still reflects on the Governor's budget.

1 COMMITTEE CHAIR MEDINA: What is the amount  
2 that's --

3 MS. BRENNEMAN: It was \$1.5 million. So just  
4 to go over the integrated waste management account, our  
5 authority is \$43 million. And I just want to touch on  
6 our main funds.

7 The oil recycling fund, the Governor's budget  
8 displaced \$27 million.

9 And the tire recycling fund reflects \$31  
10 million.

11 And also a note is displayed on the rigid  
12 container account, we have authority for \$1 million, but  
13 that is only if we collect the fines that we impose. So  
14 it's what we call empty authority. So we can't spend  
15 anything if we don't actually collect fines.

16 So that's just an overall of where we are as  
17 far as our '02-'03 budget.

18 The next thing I wanted to go over is the  
19 integrated waste management account consulting and  
20 professional services funding information. So it goes  
21 through our mandatory and discretionary amounts for  
22 '98-'99, '99-'00, '00-'01, '01-'02, and our current year  
23 of '02-'03.

24 You'll notice that in '98-'99 the discretionary  
25 amount is a lot higher than the years following. And

1 that was because it had originally included the student  
2 contract which the Board at the time decided they wanted  
3 it in the mandatory portion because it's something that  
4 we do every year and it's an ongoing operating contract,  
5 so that was moved over to the mandatory contract. And  
6 reflective for the '02-'03, our discretionary amount is  
7 \$330,000 which is consistent with the '99-'00 and the  
8 '00-'01 fiscal years.

9 The '01-'02 fiscal year discretionary had some  
10 one-time funds that have been removed, and so that's why  
11 our '02-'03 amount has dropped back down.

12 MS. JORDAN: You should note that there is a  
13 footnote on the '02-'03 discretionary amount of 330,000.

14 And what that footnote reflects is \$100,000 for  
15 item, let's see, G on our agenda today, that is for the  
16 sustainable building contract.

17 You may recall that at the committee meeting  
18 this week, earlier this week and previously, I think it  
19 was early July -- or no, the end of June, Patty and I,  
20 Patty Wohl and I talked with each of you individually  
21 with regards to the fact that the contract that had been  
22 proposed for the sustainable building contract had to be  
23 canceled, and the desire was to come forward this fiscal  
24 year and pursue that same contract because it was very  
25 necessary to the sustainable building program.

1           The hundred thousand dollars is available  
2 because the student contract did not require  
3 augmentation to the extent that the dollars that were in  
4 the previous fiscal year, we were able to redirect those  
5 into the student contract so that it was not needed for  
6 this fiscal year, and that was approved by each of you  
7 individually in that conversation.

8           So I just wanted to point that out as it  
9 reflects 330 now, but when you see the concept package  
10 come forward to you next month, it will reflect  
11 230,000.

12           COMMITTEE MEMBER PAPARIAN: Can I ask one  
13 question about this?

14           COMMITTEE CHAIR MEDINA: Certainly.

15           COMMITTEE MEMBER PAPARIAN: We had, on July 1st  
16 we had an increase in the tipping fee by six cents which  
17 ought to result in a million and a half dollars, more or  
18 less, additional going into IWMA.

19           MS. JORDAN: That's correct.

20           COMMITTEE MEMBER PAPARIAN: Should I be, at  
21 some point be seeing this showing up in the  
22 discretionary money in some fashion, some portion of  
23 that?

24           MS. JORDAN: We don't have authority for it  
25 right now. If you recall, Elsie mentioned there was a

1 BCP for a million and a half for the conversion  
2 technologies BCP, and there was -- what was it, \$250,000  
3 in the rigid plastic packaging BCP that goes to the  
4 operating budget.

5 Basically the funds that were, that we gained  
6 have been used in BCP's, but we don't have the authority  
7 for the 1.5 right now because the budget has not been  
8 passed, and from the last look the legislature was  
9 pulling that BCP out.

10 What happens at that point, if they pull that  
11 out those dollars go into our reserve, we have no  
12 authority to spend them, they have just taken away our  
13 authority.

14 COMMITTEE MEMBER PAPARIAN: Okay. I'm sorry,  
15 it's taken me a few years to get to begin to understand  
16 some of this.

17 As we look to the '03-'04, and I think maybe it  
18 would be an appropriate role for this committee, I'd  
19 like to look at ways we can increase that discretionary  
20 amount as we, you know, develop the budget and, you  
21 know, related items.

22 MS. JORDAN: Just as an FYI, Elsie and I have  
23 talked about that this year. The, we'd be more than  
24 happy to work with the committee with regards to  
25 thoughts on improvements, but with regards to the BCP

1 process, they are a confidential process.

2           However, BCP's are written to give you  
3 additional expenditure authority for a specific  
4 purpose. So if you have a particular program area that  
5 needs augmentation for whatever reason, I'm trying to  
6 think of an example without -- maybe, maybe there's,  
7 there's a program area that has something large that  
8 they have to do and without needing any PY's they need a  
9 contract to do something. That BCP could be written  
10 specifically for that program area for additional  
11 dollars for the specific purpose of that, whatever it  
12 was to be accomplished through that contract. So that  
13 is the way to gain dollars, but then it's specific to  
14 what it is approved for.

15           COMMITTEE MEMBER PAPARIAN: There were some  
16 creative ways to deal with the discretionary money as  
17 well. It's just this is the money that we can use for  
18 some of the priorities out of our strategic plan.

19           MS. JORDAN: That's correct.

20           COMMITTEE MEMBER PAPARIAN: And, you know, it  
21 really gives us some opportunities to deal with things  
22 like food waste or electronic waste or whatever it might  
23 be that's, you know, an important area to deal with  
24 where we can't really handle it with our existing staff  
25 and expense budgets.

1 MS. JORDAN: That's correct. We will be doing,  
2 as we do annually, member briefings on the budget once  
3 it is approved, and we would be more than happy to talk  
4 to you about ideas of, that you have on how we should go  
5 about improving that area.

6 COMMITTEE MEMBER PAPARIAN: Thank you.

7 COMMITTEE CHAIR MEDINA: In the year '01-'02  
8 the discretionary amount jumped by quite a bit. What  
9 was the cause of that?

10 MS. BRENNEMAN: That was some one-time funding  
11 that we received that was available for discretionary,  
12 but it has been taken out of our budget through the  
13 Department of Finance because it was a one-time.

14 COMMITTEE CHAIR MEDINA: And what was the  
15 source of that money?

16 MS. BRENNEMAN: It was in, IWMA was the fund  
17 source.

18 COMMITTEE CHAIR MEDINA: We already had that  
19 money or how was, how did that money enter into that  
20 discretionary account?

21 MS. BRENNEMAN: It was in our budget and it was  
22 used for our discretionary that year because it was one  
23 time. But since then the Department of Finance has  
24 taken it out of our authority.

25 COMMITTEE CHAIR MEDINA: Yeah.

1 Any questions? Any further questions?

2 Okay. Thank you for your report.

3 MS. JORDAN: The next area I'll turn over to  
4 Blanche Harbridge-Wright to talk about the changes in  
5 the consulting professional services contract  
6 administrative processes.

7 MS. HARBRIDGE-WRIGHT: Blanche Harbridge-Wright  
8 with the Administration and Finance Division.

9 In following what you've now learned or what  
10 you've learned as far as what we have available for  
11 consulting and professional discretionary dollars,  
12 there's been some changes to the process, new  
13 requirements implemented as a result of Executive Order  
14 D5502 which was issued May 20th of 2002. And that  
15 Executive Order did several things.

16 It established a review panel to review the  
17 current state procurement processes, and to report on  
18 those findings to the Governor within ninety days.

19 And T.J. mentioned that we were expecting that  
20 report anytime soon. And I'm sure we'll be plowing  
21 through that to pull out what those recommendations are  
22 and what they mean to us in terms of any new  
23 requirements we would have to follow.

24 Another area of focus of that Executive Order  
25 was to employ the competitive bidding process to the

1 maximum extent required by law. And specifically focus  
2 on that competitive process in the areas of California  
3 multiple award schedule procurements, master agreements,  
4 and non-competitively bid contracts, which you've known  
5 always up to this point as sole source contracts.

6 Another focus of that Executive Order was to  
7 hold the highest ranking officials accountable for any  
8 contracts which were competitively bid. Before we had  
9 delegation to have signature authority at a lower level  
10 than the executive director, and in some cases agency  
11 secretary, so that's changed.

12 As far as the impact of the processes of that  
13 Executive Order on what we're doing. In the area of  
14 California multiple award schedules, or CMAS agreements,  
15 the old process allowed us to select from a  
16 predetermined list of vendors anybody that we chose to  
17 pull off the list.

18 If we liked the look of the name of the  
19 contractor, or we liked how many letters were in their  
20 name, we could select them from that list, because they  
21 were pre-established, predetermined by the federal  
22 government as being eligible and available for that type  
23 of contract.

24 Under the Executive Order, now we have to  
25 solicit offers from three companies off that CMAS, one

1 of which should be a small business.

2 If the contract was in excess of \$50,000, it  
3 went to Department of General Services procurement for  
4 their approval. Now that dollar limit has dropped down  
5 to 35,000.

6 The maximum contract amount for non-IT services  
7 was \$250,000 but there were exceptions to exceed that  
8 dollar threshold, now there are no exemptions to that  
9 contract amount, it's \$250,000.

10 And all contracts require the Board's executive  
11 director's signature and the agency secretary's  
12 signature over \$100,000, and there's no delegation in  
13 terms of that signature authority.

14 On master service agreements, that's a listing  
15 of predetermined vendors or contractors as well.  
16 That's, the MSA's are established by the state. The  
17 CMAS is established by the federal government and the  
18 state adopts their list.

19 On the MSA list, the old process again was we  
20 could go ahead and select a contractor from that list  
21 and simply award a contract with them for the service  
22 that we needed.

23 Again, now we have to look at, call three  
24 companies, get bids from them, one of which again should  
25 be a small business.

1           Basically there was no dollar limit to the  
2 contract amount that we could secure under the old  
3 process. Again, it's \$250,000 limitation.

4           And we had signature authority delegated down  
5 to lower levels within our organization. And again on  
6 MSA's, the Board's executive director and the agency  
7 secretary must sign anything over \$100,000.

8           On non-competitively bid contracts, again  
9 you've known those in the past as sole source contracts,  
10 the deputy director of Administration and Finance  
11 Division and the assistant secretary for fiscal and  
12 policy within the agency signed those requests which  
13 exempted us from advertising those bids or those  
14 contracts. And then the sole source justification was,  
15 only required the Deputy Director's signature as the  
16 sign-off.

17          Under the new process, before it even gets  
18 exempted from advertising, there's a new form that was  
19 developed which has to be signed off by the executive  
20 director and the agency secretary. The executive  
21 director then has to approve exemption from  
22 advertising. And when the contract exceeds \$100,000, it  
23 also requires Department of Finance approval.

24          As far as the Board is, what we're seeing in  
25 terms of most of our non-competitively bid contracts are

1 what you see as our sponsorship contracts, so there is  
2 an impact again to those types of contracts in terms of  
3 the level of review and so forth.

4 Are there any questions?

5 COMMITTEE CHAIR MEDINA: Board members, any  
6 questions?

7 COMMITTEE MEMBER MOULTON-PATTERSON: No.

8 MS. JORDAN: I would like to add that when this  
9 came about it wasn't a huge change for us other than the  
10 special forms simply because our contracts office  
11 typically has done the three contractor check on both  
12 the CMAS and the MSA. We haven't just, as Blanche was  
13 referring to, choose a name because you like the looks  
14 of it. We have never done that. We've looked for the  
15 best price that we can get so that the, and the history  
16 or experience of the contractor themselves. So they  
17 typically have identified and contacted three  
18 contractors to begin with, so it wasn't anything that  
19 imposed new requirements for us.

20 MS. HARBRIDGE-WRIGHT: As T.J. said, our  
21 business practices, we've employed good business  
22 practices in terms of our C and P services in securing  
23 contracts, and so we have, as T.J. said, we've done our  
24 homework and our legwork in terms of trying to get the  
25 best price for the products we were after. So we did go

1 through that solicitation process anyway.

2 COMMITTEE CHAIR MEDINA: Could you give us an  
3 example of a non-competitive bid contract?

4 MS. HARBRIDGE-WRIGHT: For the Board the most,  
5 most of our non-competitively bid contracts are the  
6 sponsorship contracts that the Board secures.

7 COMMITTEE CHAIR MEDINA: Can you name one?

8 MS. HARBRIDGE-WRIGHT: "EcoTalk." I believe  
9 "Keep California Beautiful" is another sole source  
10 contract.

11 COMMITTEE CHAIR MEDINA: Okay. Thank you. If  
12 there are no further questions or comments by the Board  
13 members, we'll move on to the next item.

14 Thank you for your presentation.

15 MS. JORDAN: Item F, I believe, has been  
16 pulled. That was, I was just speaking with Scott  
17 Walker, the RFQ process was not completed, therefore it  
18 has been pulled off the agenda and will come back for  
19 next month.

20 Item G --

21 COMMITTEE CHAIR MEDINA: Excuse me, before we  
22 move on to this, to the next item we're going to take a  
23 five minute break.

24 (Thereupon there was a brief recess.)

25 COMMITTEE CHAIR MEDINA: Okay. If everybody is

1 ready, we'll move on to item number F.

2 MS. JORDAN: Actually item G. I'd like to  
3 introduce Kathy Frevert from the Waste Prevention and  
4 Market Development Division.

5 MS. FREVERT: Good morning, Chairman Medina and  
6 committee members.

7 This agenda item has two parts to it. There is  
8 an allocation of 100,000 from the integrated waste  
9 management fund, and 100,000 from the tire fund.

10 The other portion of the agenda item deals with  
11 the scope of work. And this scope of work is  
12 essentially the same scope of work that was approved by  
13 the Board in January, 2002. We made a few minor edits  
14 and we added additional language to strengthen the use  
15 of tire derived products in construction projects.

16 On Monday, at the Special Waste and Market  
17 Development Committee meeting, the committee voted three  
18 to zero to place this item on committee consensus.

19 And in conclusion, we have to rebid this  
20 contract. It provides an opportunity to make a few  
21 improvements, and it enhance the tire derived aspects of  
22 the scope of work.

23 And staff recommend approval of option one.

24 Are there any questions?

25 COMMITTEE CHAIR MEDINA: Okay. Board members,

1 any questions or comments on this?

2 COMMITTEE MEMBER MOULTON-PATTERSON: I have no  
3 questions. We did cover this in Special Waste and my  
4 questions were then answered.

5 COMMITTEE CHAIR MEDINA: Very good, if we can  
6 have a motion in regards to this matter.

7 COMMITTEE MEMBER PAPARIAN: I'll move adoption  
8 of Resolution 2002-461.

9 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

10 COMMITTEE CHAIR MEDINA: Resolution 2002-461  
11 has been moved by Board Member Paparian, seconded by  
12 Board member Moulton-Patterson.

13 Call the roll, please.

14 COMMITTEE SECRETARY HARRIS: Paparian.

15 COMMITTEE MEMBER PAPARIAN: Aye.

16 COMMITTEE SECRETARY HARRIS: Moulton-Patterson.

17 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

18 COMMITTEE SECRETARY HARRIS: Medina.

19 COMMITTEE CHAIR MEDINA: Aye. Resolution  
20 2002-461 has been moved for consent.

21 COMMITTEE MEMBER MOULTON-PATTERSON: Committee  
22 consensus.

23 COMMITTEE MEMBER PAPARIAN: I think that has to  
24 be committee consensus.

25 COMMITTEE MEMBER MOULTON-PATTERSON: Because of

1 the money.

2 COMMITTEE MEMBER PAPARIAN: Because it's  
3 fiscal.

4 MS. JORDAN: Item H will be presented by Jim La  
5 Tanner.

6 MR. LA TANNER: Jim La Tanner, manager of the  
7 Recycling Market Development and Revolving Loan Program.

8 Committee item H, Board agenda item number  
9 twelve, represents a consideration of a loan to Work  
10 Training Centers for the Handicapped, Inc.

11 This was approved by a loan committee on August  
12 8th as presented, and was heard at the Special Waste and  
13 Market Development Committee on Monday, and approved on  
14 a three zero vote, and placed on consensus. The company  
15 is requesting a \$34,000 loan.

16 Are there any questions?

17 COMMITTEE CHAIR MEDINA: Board members, any  
18 questions or comments regarding this matter?

19 If not, I would have a motion.

20 COMMITTEE MEMBER MOULTON-PATTERSON: I will  
21 move this. Move approval of Resolution 2002-460.

22 COMMITTEE MEMBER PAPARIAN: Second.

23 COMMITTEE axes

anceñ seemñ toñ comeñ outñ atñ 1,185.40ô,ñ soñ the  
ñ thatñ wouldñ includeñ PITIô,ñ wouldñ itñ notñ?  
atñ?

lò,ñ interestñ,ñ taxes,ñ andñ insuranceñ?

hat is correctñ.ñ That is correctñ.

Soñ what'sò theñ rentñ backñ inñ 2000ñ atñ 1202

dñ theñ rent goò upñ?

atñ tenantò movedñ out.ñ Andñ Iñ,ñ I don't  
tlyò theñ dateñ onñ thatñ rightñ nowñ,ñ butñ Iñ couldñ get  
youñ.ñ Andñ itñ wentñ upñ toñ \$1,200ò añ monthñ.  
Andñ whenñ didñ yourñ mortgageò payment  
ifñ atñ allñ?  
ñ upñ toñ 1,206ó andñ someñ changeñ,ñ I can't  
ñ 64ò,ñ I thinkò.

MR. MC GRATH: ñ Heñ askedñ youñ whenñ.

HE WITNESS: ò Andñ thatñ wentñ upñ at theñ taxñ,ñ at  
ofñ oneñ yearñ,ñ wheneverñ theyñ ñdoñ theñ taxesñ,ñ soñ it  
beenñ likeñ theñ Januaryñ orñ Februaryñ paymentñ,ñ I  
heñ followingñ yearñ,ñ afterñ reñvaluationò.

MR. FIRPO: Q. Thisñ appearsò to beñ a fixed  
thirty yearsò,ñ doesñ thatñ soundñ rightñ?  
orrectñ.

Soñ theñ paymentñ wentñ upñ justñ becauseñ they  
ñ coverñ extrañ propertyñ taxesñ andñ extrañ insurance  
ñ is that rightñ?

eñ it wasò forñ theñ taxesñ,ñ yesñ.

R. MC GRATH: ñ Do you knowò for aò factñ?

HE WITNESS: ò I don't knowñ.

R. FIRPO: òOkay.

utñ yourñ currentñ,ñ didñ theñ paymentñ goñ upñ beyond  
ñ.

1 matter?

2 If not, can we have a motion?

3 COMMITTEE MEMBER MOULTON-PATTERSON: Yes, Chair  
4 Medina. I'd like to move Resolution 2002-416 for  
5 approval.

6 COMMITTEE MEMBER PAPARIAN: I'll second that.

7 COMMITTEE CHAIR MEDINA: Okay. If we can  
8 substitute the previous roll call on this matter.

9 And this Resolution 2002-416 is for  
10 specifically approving Cal Poly Tech at San Luis Obispo  
11 in the amount of \$200,000. And that's for committee  
12 fiscal consensus.

13 MS. JORDAN: Item J will be presented by Jim  
14 Lee -- oh, Pat McDermott is here.

15 MS. MC DERMOTT: Good afternoon, Chairman  
16 Medina and committee members. I'm Pat McDermott, Grant  
17 Manager in the Used Oil Household Hazardous Waste Grant  
18 Program.

19 And I present for your consideration the awards  
20 for the household hazardous waste grant program for  
21 fiscal year 2002-2003.

22 \$3 million was available for this round of HHW  
23 grants, and 53 applications were received requesting  
24 over \$9.3 million.

25 34 applications received scores -- passing

1 scores, with fifteen being recommended for the three  
2 million in available funds. The remaining 19 passing  
3 applications requested over 3.8 million for which funds  
4 were not available.

5 A list of all the applicants with passing  
6 scores is included with your packet as attachment two.

7 Eighteen applications received a score of less  
8 than 77 points which put them below passing.

9 And one application was withdrawn.

10 Criteria approved by the Board in January did  
11 not require a geographic split for this grant cycle;  
12 nevertheless, 59 percent of the funds being recommended  
13 for award today are for Southern California  
14 applications, and 41 percent are for Northern  
15 California.

16 San Joaquin County and Amador County have tied  
17 scores that exceed the funds available. The Special  
18 Waste Committee -- excuse me, the Special Waste  
19 Committee's determination of the tie was to split the  
20 remaining funds of \$260,932.12 equally between San  
21 Joaquin and Amador counties. This will allow both  
22 applicants to conduct the most important activities for  
23 which funds were requested.

24 This item was heard by the Special Waste  
25 Committee on Monday, and the committee approved

1 Resolution 2002-417 as presented.

2 I'd like to recommend to the Budget and  
3 Administration Committee approval of Resolution number  
4 2002-417, and the award of fifteen grants totalling \$3  
5 million.

6 This concludes my presentation. Do you have  
7 any questions?

8 COMMITTEE CHAIR MEDINA: Board members, any  
9 questions or comments regarding this item?

10 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move  
11 it. I'd like to move approval of Resolution 2002-417,  
12 for the grant awards for the household hazardous waste  
13 grant program for fiscal year 2002-2003 in the amount of  
14 \$3 million.

15 COMMITTEE MEMBER PAPARIAN: Second that, but I  
16 did have a brief comment, Mr. Chair?

17 COMMITTEE CHAIR MEDINA: Go ahead.

18 COMMITTEE MEMBER MOULTON-PATTERSON: Oh, I'm  
19 sorry.

20 COMMITTEE MEMBER PAPARIAN: I believe we had a  
21 statute passed last year which raises the maximum to \$5  
22 million even though our expenditure authority this year  
23 is only \$3 million.

24 MS. JORDAN: The statute raised it to 4.5 when  
25 funds are available.

1 COMMITTEE MEMBER PAPARIAN: Right. And  
2 obviously we have our own fiscal issues right now, but I  
3 think that the demand is certainly there for higher  
4 amounts, and I think over the next few years we should  
5 try to explore --

6 MS. JORDAN: Certainly.

7 COMMITTEE MEMBER PAPARIAN: -- some ways to see  
8 if we can come up with the funding to provide that.

9 MS. JORDAN: Certainly. And we have been  
10 considering that in the budget office.

11 And in discussion with the Department of  
12 Finance, they have advised us that although it's in  
13 statute, it would require a BCP, and that we intend to  
14 pursue that.

15 COMMITTEE MEMBER PAPARIAN: Okay. Thank you.

16 COMMITTEE CHAIR MEDINA: Okay. Resolution  
17 2002-417 has been moved by Board member Moulton-  
18 Patterson, seconded by Board Member Paparian.

19 If we can have the roll on that?

20 COMMITTEE SECRETARY HARRIS: Paparian?

21 COMMITTEE MEMBER PAPARIAN: Aye.

22 COMMITTEE SECRETARY HARRIS: Moulton-Patterson?

23 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

24 COMMITTEE SECRETARY HARRIS: Medina?

25 COMMITTEE CHAIR MEDINA: Aye. This moves to

1   fiscal consensus.

2               MS. JORDAN:   Okay.   Thank you.

3               BOARD CHAIR MOULTON-PATTERSON:   Is there any  
4 further business before this Board?

5               If not, we'll open it up to public comment.   Is  
6 there anyone wishing to make public comment?

7               If not, this meeting is adjourned.

8               (Thereupon the foregoing was concluded  
9 at 10:48 a.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2  
3 I, DORIS M. BAILEY, a Certified Shorthand  
4 Reporter and Registered Professional Reporter, in and  
5 for the State of California, do hereby certify that I am  
6 a disinterested person herein; that I reported the  
7 foregoing proceedings in shorthand writing; and  
8 thereafter caused my shorthand writing to be transcribed  
9 by computer.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said proceedings, nor  
12 in any way interested in the outcome of said  
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 as a Certified Shorthand Reporter and Registered  
16 Professional Reporter on the 26th day of August, 2002.

17  
18  
19  
20 Doris M. Bailey, CSR, RPR, CRR  
21 Certified Shorthand Reporter  
22 License Number 8751  
23  
24  
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